

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

April 14, 2017

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees ("PECs") submit this letter in further response to the Court's March 24, 2017 Order directing the PECs to submit a "proposal for the most effective way for parties filing new complaints against the Kingdom of Saudi Arabia to join or adopt the Consolidated Amended Complaint ("CAC"), consonant with the Federal Rules of Civil Procedure and the Rules of Procedure of the United States Judicial Panel on Multi-District Litigation." ECF No. 3482. On April 5, 2017, the PECs submitted a letter with a proposed form Notice to Conform and a proposed form Short Form Complaint. The PECs then received comments from counsel for plaintiffs in as yet unfiled cases and asked the Court for permission to file amended proposals, which the Court granted. ECF No. 3513.

Enclosed with this letter are the documents that the PECs request the Court to consider. They include: (1) a Notice to Conform the complaints to the CAC for use in actions that have already been filed (this document is not different from the document submitted with our April 5, 2017 letter), attached as Exhibit A, and (2) a Short Form Complaint and Demand for Jury Trial for use by plaintiffs who have not filed suit to initiate suit against Saudi Arabia pursuant to the CAC, attached as Exhibit B.¹

¹ Some counsel preferred to use a separate Notice to Conform to incorporate the CAC into existing actions. Other counsel preferred to use the same document to initiate new actions or to incorporate the CAC into existing actions. For that reason, the Short Form Complaint includes text that

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For the reasons set forth in the PECs April 5, 2017 correspondence to the Court, we believe use of these proposed forms represent the most efficient procedural devices for plaintiffs who have already filed complaints against the Kingdom to adopt the CAC or for plaintiffs filing new complaints Saudi Arabia to join or adopt the CAC.

An amended proposed form of order endorsing the proposed Notice to Conform and Short Form Complaint procedures is enclosed for the Court's consideration. The proposed Order is attached as Exhibit C.

Respectfully,

/s/ Robert T. Haeefe
ROBERT T. HAEFELE
PLAINTIFFS' EXECUTIVE COMMITTEES

cc: The Hon. George B. Daniels, U.S.D.J. – Via ECF
All Counsel – via ECF

matches the Notice to Conform, presenting an option for plaintiffs with already-filed actions. The effect of using either document to conform allegations to the CAC is intended to be the same.